

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	12
NO:	1

MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred House Bill 1085, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 courts and court officers.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 3-13-6-1 IS AMENDED TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A vacancy that occurs, other
- 7 than by resignation, in the office of judge of a circuit, superior, probate,
- 8 or county court shall be certified to the governor by the circuit court
- 9 clerk of the county in which the judge resided.
- 10 (b) A vacancy in the office of judge of a circuit court shall be filled
- 11 by the governor as provided by Article 5, Section 18 of the Constitution
- 12 of the State of Indiana. The person who is appointed holds the office
- 13 until:
- 14 (1) the end of the unexpired term; or

1 (2) a successor is elected at the next general election and
 2 qualified;
 3 whichever occurs first. The person elected at the general election
 4 following an appointment to fill the vacancy, upon being qualified,
 5 holds office for the six (6) year term prescribed by Article 7, Section 7
 6 of the Constitution of the State of Indiana and until a successor is
 7 elected and qualified.

8 (c) A vacancy in the office of judge of a superior, probate, or county
 9 court shall be filled by the governor subject to the following:

10 (1) IC 33-5-5.1-37.1.

11 (2) IC 33-5-5.1-41.1.

12 ~~(3) IC 33-5-29.5-39.~~

13 ~~(4) IC 33-5-40-44.~~

14 The person who is appointed holds office for the remainder of the
 15 unexpired term.

16 SECTION 2. IC 5-8-1-19 IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 1999]: Sec. 19. (a) Under Article 7, Section 13
 18 of the Constitution of the State of Indiana, whenever a circuit, superior,
 19 probate, or county court judge or prosecuting attorney has been
 20 convicted of corruption or any other high crime, the attorney general
 21 shall bring proceedings in the supreme court, on information, in the
 22 name of the state, for the removal from office of the judge or
 23 prosecuting attorney.

24 (b) If the judgment is against the defendant, the defendant is
 25 removed from office. The governor, the officer, or the entity required
 26 to fill a vacancy under IC 3-13-6-2 shall subject to **the following**:

27 (1) IC 33-5-5.1-37.1.

28 (2) IC 33-5-5.1-41.1.

29 ~~(3) IC 33-5-29.5-39; and~~

30 ~~(4) IC 33-5-40-44;~~

31 appoint or select a successor to fill the vacancy in office.

32 SECTION 3. IC 33-5-29.5-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There shall be
 34 and is hereby established a superior court in Lake County, Indiana
 35 (hereinafter referred to as "the court").

36 (b) **The court consists of:**

37 (1) **thirteen (13) judges, who shall be elected at the general**
 38 **election every six (6) years in Lake County; plus**

(2) the Lake County circuit court judge if the circuit court judge chooses to sit on the superior court of Lake County.

(c) The term of a judge described in subsection (b)(1) begins January 1 following the election and ends December 31 following the election of the judge's successor.

(d) To be eligible to hold office as judge of the court under subsection (b)(1), a person must:

(1) be a resident of Lake County;

(2) be less than seventy (70) years of age at the time of taking office; and

(3) be admitted to the practice of law in Indiana.

SECTION 4. IC 33-5-40-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is established a superior court in St. Joseph County, Indiana which (referred to as "the court" in this chapter).

(b) The court shall consist consists of eight (8) judges, who shall be elected at the general election every six (6) years in St. Joseph County. A judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(c) To be eligible to hold office as judge of the court, a person must:

(1) be a resident of St. Joseph County;

(2) be less than seventy (70) years of age at the time of taking office; and

(3) be admitted to the practice of law in Indiana.

SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 1999]: IC 33-5-29.5-26; IC 33-5-29.5-27; IC 33-5-29.5-28; IC 33-5-29.5-29; IC 33-5-29.5-30; IC 33-5-29.5-31; IC 33-5-29.5-32; IC 33-5-29.5-33; IC 33-5-29.5-34; IC 33-5-29.5-35; IC 33-5-29.5-36; IC 33-5-29.5-37; IC 33-5-29.5-38; IC 33-5-29.5-39; IC 33-5-29.5-40; IC 33-5-29.5-41; IC 33-5-29.5-42; IC 33-5-29.5-42.5; IC 33-5-29.5-43; IC 33-5-40-33 ; IC 33-5-40-34; IC 33-5-40-35; IC 33-5-40-36; IC 33-5-40-37; IC 33-5-40-38; IC 33-5-40-39; IC 33-5-40-40; IC 33-5-40-41; IC 33-5-40-42; IC 33-5-40-43; IC 33-5-40-44; IC 33-5-40-45; IC 33-5-40-46; IC 33-5-40-47; IC 33-5-40-48; IC 33-5-40-49; IC 33-5-40-50; IC 33-5-40-51; IC 33-5-40-52; IC 33-5-40-53; IC 33-5-40-54; IC 33-5-40-55; IC 33-5-40-56; IC 33-5-40-57; IC 33-5-40-58; IC 33-5-40-59; IC 33-5-40-60;

1 IC 33-5-40-61; IC 33-5-40-62; IC 33-5-40-63; IC 33-5-40-64;
2 IC 33-5-40-65; IC 33-5-40-66; IC 33-5-40-67; IC 33-5-40-68;
3 IC 33-5-40-69; IC 33-5-40-70; IC 33-5-40-71; IC 33-5-40-72;
4 IC 34-46-2-30.4.

5 SECTION 6. [EFFECTIVE JULY 1, 1999] **Notwithstanding the**
6 **amendment and repeal by this act of provisions in IC 33-5-29.5 and**
7 **IC 33-5-40, the term of a judge in office in the superior court of**
8 **Lake County or the St. Joseph superior court does not terminate**
9 **until the date that the term would have terminated under the law**
10 **in effect on June 30, 1999. The election for the initial judge to be**
11 **elected under IC 33-5-29.5 or IC 33-5-40, as amended by this act,**
12 **to a superior court that exists in Lake County or St. Joseph County**
13 **on June 30, 1999, is the general election immediately preceding the**
14 **date that the term of the judge in office on June 30, 1999, would**
15 **have terminated under the law in effect on June 30, 1999.**

(Reference is to HB 1085 as introduced.)

and when so amended that said bill do pass.

Representative Kromkowski